

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 335 – SB 424

February 15, 2023

SUMMARY OF BILL: Authorizes the board of commissioners (Board) of certain cities to call for a special election to fill a vacancy on the Board.

FISCAL IMPACT:

Other Fiscal Impact – The extent and timing of any permissive increase or decrease to local expenditures cannot reasonably be determined.

Assumptions:

- The proposed legislation applies to municipalities in Tennessee that operate under the general law city manager-commission charter, of which there are 48.
- Pursuant to Tenn. Code Ann. § 6-20-110:
 - Any vacancy on the Board occurring prior to a regular city election shall be filled by the remaining members of the Board until that election, when the remaining unexpired term is filled;
 - For any additional vacancy, the Board shall call upon the county election commission (CEC) to call a special election to fill said vacancy;
 - If, within 90 days of the vacancy, the vacancy has not been filled by the remaining members of the commission, then the mayor, city manager, or city recorder shall notify the CEC within five business days following the passage of the 90-day period, and the CEC shall call a special election for the purpose of filling the vacancy; and
 - The special election shall be held in conjunction with the next general election or city election, if such election is scheduled to occur more than 75 days but less than 120 days from the day the CEC is notified of the vacancy.
- The proposed legislation authorizes the Board, by two-thirds vote, to notify the CEC of the Board's intent to fill the vacancy by special election at any time prior to the passage of the 90-day period.
- In the absence of this legislation, a Board intending to fill a vacancy by special election could allow said vacancy to remain unfilled for the 90-day period, at which point certain city officials would notify the CEC.
- Authorizing the Board to call for a special election to fill a vacancy is not expected to increase the total number of special elections called, but it may impact the timing of such special elections and, therefore, the cost.

- In the event that the Board notifies the CEC of a vacancy between 75 and 120 days before a regularly scheduled election, the special election would take place in conjunction with such regularly scheduled election, which may result in cost savings that a city would not experience in the absence of this legislation.
- Furthermore, expediting the timeline for which a special election may be called may result in a vacancy being filled sooner than it would have been otherwise; the effect of which would be an increase to local expenditures due to payment of any newly elected commissioner's salary.
- The extent and timing of any permissive increase to local expenditures due to payment of commissioner salary or permissive decrease to local expenditures as a result of coordinating a special election with a regularly scheduled election cannot reasonably be determined.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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